

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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OLD REPUBLIC NATIONAL TITLE  
INSURANCE COMPANY, a Minnesota corporation,

Plaintiff,

v.

ESCROW AND TITLE SERVICES, INC.,  
d/b/a Bell Title Company,

Defendant.

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Case No. 1:08-cv-796

HONORABLE PAUL L. MALONEY

**ORDER**

**Denying as Moot the Defendant's First Motion to Dismiss the Amended Complaint**

ORT filed an amended complaint on December 2, 2009. With an extension of time, Bell filed a motion to dismiss the amended complaint for failure to state a claim, or in the alternative for summary judgment, on January 15, 2010. Later that same day, Bell filed a corrected motion.

Defendant's first motion to dismiss the amended complaint [doc. #33] is **DENIED as moot**.

Defendant's *corrected* motion to dismiss the amended complaint [doc. #35] remains pending.

This is not a final and immediately appealable order.

**IT IS SO ORDERED** on this 19<sup>th</sup> day of January 2010.

/s/ Paul L. Maloney  
Honorable Paul L. Maloney  
Chief United States District Judge